The shoshonf-pannock tribes

FORT HALL INDIAN RESERVATION PHONE (208) 478-3700 FAX # (208) 237-0797 FORT HALL BUSINESS COUNCIL P.O. BOX 306 FORT HALL, IDAHO 83203

June 6, 2019

Ms. Sheryl Bilbrey
Director, Superfund and Emergency Management Division
US EPA Region 10 Office
1200 Sixth Avenue, Mail Code 12-D12-1
Seattle, WA 98101

Mr. Nicholas Vidargas Assistant Regional Counsel US EPA Region 10 Office 1200 Sixth Avenue, Suite 155 Mail Stop 11-C07 Seattle, WA 98101

Subject:

RESPONSE TO BALLARD MINE SUPERFUND SITE NOTIFICATION LETTER RECEIVED MAY 13, 2019

Dear Director Bilbrey and Assistant Counsel Vidargas:

Thank you for your notification letter stamped May 13, 2019, which was sent to us pursuant to CERCLA § 122(j)(1). The Shoshone-Bannock Tribes (Tribes) are already part of the Natural Resource Trustee Advisory Council for the Southeast Idaho Phosphate Patch, which includes the Ballard Mine. Tribes participate in the Council as a natural resource trustee and would like to also participate in the negotiation process regarding the remedial design and remedial action at the Ballard Mine Superfund Site.

The Tribes would like to resolve natural resource damage issues as part of these negotiations, since incorporating natural resource restoration and protection into the remedy is likely to be the best and most efficient way of handling these issues. However, we cannot know in advance if these issues will be resolved "within the time frame for EPA's consent decree negotiations," as stated in your letter. If the potentially responsible parties do not agree to take appropriate actions necessary to protect and restore the natural resources damaged by releases or

threatened releases of hazardous substances from the mine site, then pursuant to CERCLA § 122(j)(2), SBT may not agree to a covenant not to sue under CERCLA § 107(a)(4)(C).

The Tribes would appreciate knowing EPA's time-frame for these negotiations with the consent decree. Please let us know by contacting our technical staff (Kelly Wright) at (208) 236-1049 or email: kwright@sbtribes.com. Please also contact Kelly Wright with any technical questions.

We look forward to working with you and your staff on protection of our human health and environment so our future generations can continue to enjoy what we have had and continue to utilize today.

Respectively,

Nathan Small, Chairman

.cc FHBC (7)

Travis Stone, SBT Land Use Director Kelly Wright, SBT Land Use – EWMP Manager Elese Teton, SBT Executive Director